

# City Commission Meeting

City Hall, Commission Chambers, 3rd Floor, 1700 Convention Center Drive  
July 13, 2011

Mayor Matti Herrera Bower  
Vice-Mayor Edward L. Tobin  
Commissioner Jorge Exposito  
Commissioner Michael Góngora  
Commissioner Jerry Libbin  
Commissioner Deede Weithorn  
Commissioner Jonah Wolfson

City Manager Jorge M. Gonzalez  
City Attorney Jose Smith  
City Clerk Robert E. Parcher

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## ATTENTION ALL LOBBYISTS

**Chapter 2, Article VII, Division 3 of the City Code of Miami Beach entitled "Lobbyists" requires the registration of all lobbyists with the City Clerk prior to engaging in any lobbying activity with the City Commission, any City Board or Committee, or any personnel as defined in the subject Code sections. Copies of the City Code sections on lobbyists laws are available in the City Clerk's office. Questions regarding the provisions of the Ordinance should be directed to the Office of the City Attorney.**

## REGULAR AGENDA

### R2 - Competitive Bid Reports

- R2A Request For Approval To Award Contracts To ISS Facility Services, Inc., Omarcio Cleaning Services, Inc., Performance Cleaning Group, And Professional Building Services; Reject Bids Received For The Following Locations: City Hall Parking Garage And Offices Located At City Hall Parking Garage; Pursuant To Invitation To Bid No. 13-10/11, For Janitorial Services Citywide, In The Annual Amount Of \$1,311,099.60; And Authorize The Administration To Evaluate The Current Service Levels To Further Reduce The Total Cost. (Page)  
(Procurement/Public Works)  
(Deferred from June 1, 2011)

### R5 - Ordinances

- R5A An Ordinance Amending The Code Of The City Of Miami Beach, By Amending Chapter 2, Entitled "Administration," By Amending Article III, Entitled "Agencies, Boards And Committees," By Amending Division 2, Entitled "Disability Access Committee," By Amending Sec. 2-31(C) To Provide That The Chairperson Of The Committee May Designate A Committee Member To Obtain Information From And Provide Input To Other City Agencies Boards, Or Committees Relative To Accessibility Related Issues; Providing For Codification, Repealer, Severability, And An Effective Date. **10:16 a.m. Second Reading Public Hearing** (Page)  
(Requested by Vice-Mayor Edward L. Tobin)  
(Legislative Tracking: City Clerk's Office/City Attorney's Office)  
(Continued from May 11, 2011/Referred to Neighborhood/Community Affairs Committee)

**R5 - Ordinances** (Continued)

- R5B Ordinances Modifying To The Building, Fire, Planning And Public Works Department Fees Related To The Building Development Process Implemented On February 1, 2010. (Page)
1. An Ordinance Amending Chapter 14 Of The City Of Miami Beach Code, Renaming Articles And Divisions; Amending Fees, Clarifying Administrative Processes And Their Respective Fees; Creating A Process For Reevaluating Permit Fees; Deleting Sections 14-421 Through 14-431, And 14-466 Through 14-698 In Their Entirety; And Amending Appendix A By Modifying Inspection Fees For Building, Plumbing, Electrical, And Mechanical Work, And For Other Building Department Activities; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page)
  2. An Ordinance Amending Chapter 50 Of The City Of Miami Beach Code, By Amending Section 50-3 Thereof, Entitled "Plans Examination, Inspection, Permits"; And Amending Appendix A, By Adding New Fees And Modifying The Fee Schedule For The Fire Department Review Process; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page)
  3. An Ordinance Amending Chapter 15 Of The City Of Miami Beach Code, Article II, Entitled "Zoning Review Fee Associated With The Building Process", By Amending 15-31 And Adding New Sections 15-38 Through 15-43, Thereof; And Amending Appendix A, Adding New Fees And Modifying The Fee Schedule For Zoning Review Associated With The Building Process; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page)
  4. An Ordinance Amending Chapter 98 Of The City Of Miami Beach Code, Article III, Division 2, Section 98-92, Entitled "Application; Amount Of Deposit; Use Of Deposit To Replace Surface; Permit Fees," By Amending Subsection (E), Adding Subsections (F) Through (I); Amending Section 98-94, Entitled "Refunds"; And Amending Appendix A By Adding New Fees And Modifying The Fee Schedule For Public Works Review Associated With The Building Process; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page)  
(Requested by Finance & Citywide Projects Committee)  
(Legislative Tracking: Building Department)
- R5C Stay Of Work And Proceedings On Appeal  
An Ordinance Amending The Land Development Regulations Of The City Code By Amending Chapter 118, "Administrative And Review Procedures," Article II, "Boards," Division 5, "Board Of Adjustment," Section 118-137, "Stay Of Work And Proceedings On Appeal," Clarifying And Amending The Stay Provisions Applicable To Matters On Appeal To The Board Of Adjustment; Providing For Repealer; Codification; Severability And An Effective Date. **First Reading** (Page)  
(Requested by Commissioners Edward L. Tobin, Jerry Libbin & Michael Góngora)  
(Legislative Tracking: Planning Department)
- R5D An Ordinance Amending Chapter 110 Of The City Code, Entitled "Utilities," By Amending Article IV, Entitled "Fees, Charges, Rates And Billing Procedure," By Amending Division 3, Entitled "Billing Procedure," By Amending Section 110-191, Entitled "Payment Of Bills," By Amending 110-191(B) By Changing The Due Date For Utility Bills To 21 Days From 15 Days From The Date Of The Bill; Providing For Repealer, Severability, Codification And Effective Date. **First Reading** (Page)  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Finance Department)

**R5 - Ordinances** (Continued)

- R5E An Ordinance Amending Chapter 46 Of The Miami Beach City Code Entitled "Environment," By Amending Article IV Entitled "Noise" By Amending Section 46-151 Entitled "Definitions" By Amending The Definition Of Habitual To Conform To The Habitual Offender Language Set Forth In Subsections 46-159(A)(6) And (H); By Amending Section 46-152 Entitled "Adoption Of County Code Section By Reference; Unnecessary And Excessive Noises Prohibited" To Adopt The County's Noise Standards In Section 46-152; By Amending Section 46-158 Entitled "Enforcement By Code Inspectors; Notice Of Violation; Warnings; Responsibility To Provide Current Address" To Remove Language In Subsection (B)(2) That Is No Longer Relevant Due To The Passage Of Time And To Clarify Subsections (B)(2)(A) And (B)(2)(B) That A Violation Will Be Issued If A Notice Of Violation Was Issued Within The Preceding Twelve Months Or If A Violator Has Already Received A Written Warning; By Amending Section 46-159 Entitled "Fines And Penalties For Violations; Appeals; Alternate Means Of Enforcement" To Amend And Provide Additional Fines And Penalties For Sixth And Greater Offenses, To Clarify The Penalties For Noise Violators Also Engaged In An Illegal Commercial Or Nonpermitted Non- Residential Use, To Amend The Period Of Time Within Which A Separate Notice Of Violation May Be Issued, And To Make The Failure To Comply With Certain Notices Of Violation Within A 24 Hour Period A Misdemeanor; And Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page)  
(Requested by Neighborhoods/Community Affairs Committee)  
(Legislative Tracking: City Attorney's Office)

- R5F Recycling Ordinance  
An Ordinance Amending Chapter 90 Of The Miami Beach City Code, Entitled "Solid Waste," By Amending The Definitions In Article I, Entitled "In General," By Amending Section 90-2, Entitled "Definitions"; By Amending Article II, Entitled "Administration" By Amending The Penalties For Solid Waste Violations And To Provide Provisions And Penalties Relative To Recycling For Multifamily Residences And Commercial Establishments; By Creating Article V, To Be Entitled "Citywide Recycling Program For Multifamily Residences And Commercial Establishments," To Provide Provisions For Recycling Requirements And Enforcement, A Public Education Program, A Warning Period, An Enforcement Date, Collector Liability, A "Red Tag" Noticing System, Penalties, And Special Master Appeal Procedures; Providing For Repealer, Severability, Codification, And An Effective Date. **First Reading** (Page)  
(Requested by Commissioner Jonah Wolfson)  
(Legislative Tracking: Public Works)

**R7 - Resolutions**

- R7A A Resolution Authorizing The City Manager, Or His Designee, To Select, Negotiate, Award And Reject All Bids, Contracts, Agreements, Purchase Orders, Change Orders And Grant Applications; Renew Existing Contracts Which May Expire; And Terminate Existing Contracts, As Needed, From The Last Commission Meeting On July 13, 2011, Until The First Regularly Scheduled Commission Meeting On September 14, 2011, Subject To Ratification By The City Commission At Its First Regularly Scheduled Meeting On September 14, 2011. **Joint City Commission and Redevelopment Agency** (Page)  
(Procurement)

**R7 - Resolutions** (Continued)

- R7B A Resolution Approving And Accepting, Following A Duly Noticed Public Hearing, As Required Pursuant To Section 82-504 Of The City Code, The Recommendation Of The Neighborhood/Community Affairs Committee For The Placement Of A Commemorative Plaque Honoring Luis Hernandez, To Be Installed On The North Side Of The Jose Marti Monument Located In Collins Park (Attached To The Monument's Foundation). **10:15 a.m. Public Hearing** (Page)  
(Parks & Recreation)
- R7C A Resolution Setting The Proposed Millage Rates For Fiscal Year (FY) 2011/12, The Calculated "Rolled-Back" Rate, And The Date, Time, And Place Of The First Public Hearing; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page)  
(Budget & Performance Improvement)
- R7D A Resolution Of The Board Of Directors Of The Normandy Shores Local Government Neighborhood Improvement District Setting 1) The Proposed General Operating Millage Rate For The Normandy Shores Neighborhood Improvement District; 2) The Calculated Rolled-Back Rate; And, 3) The Date, Time And Place Of The First Public Hearing To Consider The Operating Millage Rate And Budget For Fiscal Year (FY) 2011/12; Further Authorizing The City Manager To Transmit This Information To The Miami-Dade County Property Appraiser In The Form Required By Section 200.065, Florida Statutes. (Page)  
(Budget & Performance Improvement)
- R7E A Resolution Accepting The Recommendation Of The City Manager, Pursuant To Request For Proposals (RFP) No. 33-10/11, For Consulting Services Relative To The Expansion And Enhancement Of The Miami Beach Convention Center (MBCC) Campus/District; Authorizing The Administration To Enter Into Negotiations With The Top-Ranked Firm, \_\_\_\_\_; And Should The Administration Not Be Able To Successfully Negotiate An Agreement With The Top-Ranked Firm, Authorizing The Administration To Negotiate With The Second-Ranked Firm, \_\_\_\_\_; And Further Authorizing The Mayor And City Clerk To Execute An Agreement Upon Conclusion Of Successful Negotiations By The Administration. (Page)  
(City Manager's Office/Procurement)  
**(Memorandum & Resolution to be Submitted in Supplemental)**
- R7F A Resolution Approving And Authorizing The Mayor And City Clerk To Execute Amendment No. 2 To The Management Agreement Between The City Of Miami Beach, Florida And Altos Del Mar Sculpture Park, Inc. (ADMSP) For The Operation Of A Sculpture Park In Altos Del Mar Park; Said Amendment Modifying The Deadline To Obtain A Full Building Permit For Construction Of The Sculpture Park Proposed Improvements, From May 13, 2011, To March 31, 2012; And Further Requiring ADMSP To Provide Proof To The City Commission By September 14, 2011, That Funding For Architectural And Engineering Services For Design And Development Of The Proposed Improvements Has Been Secured. (Page)  
(Tourism & Cultural Development)  
(Deferred from June 1, 2011)

**R9 - New Business and Commission Requests**

- R9A Board And Committee Appointments. (Page)  
(City Clerk's Office)
- R9A1 Board And Committee Appointments - City Commission Appointments. (Page)  
(City Clerk's Office)
- R9A2 Nomination Of Richard Milstein, As One Of The City's Representative To The Adrienne Arsht Center  
For The Performing Arts Center Trust. (Page)  
(Requested by Mayor Matti Herrera Bower)
- R9B1 Dr. Stanley Sutnick Citizen's Forum. (12:30 p.m.) (Page)  
R9B2 Dr. Stanley Sutnick Citizen's Forum. (5:30 p.m.)
- R9C FDOT Report On The Proposed Alton Road Improvements Between 5<sup>th</sup> Street To Michigan Avenue.  
(Page)  
(Public Works)
- R9D Discussion Regarding An Update On Security Analysis By The Police Department Investigation  
Related To Security Of The Mayor And Commission Offices And Chamber. (Page)  
(Requested by Commissioner Jorge Exposito)
- R9E Discussion And Update On Art Basel Miami Beach Contract Renewal Negotiations. (Page)  
(Requested by Commissioner Deede Weithorn)
- R9F Discussion And Update Regarding The Progress For Repairs To South Pointe Park. (Page)  
(Requested by Vice-Mayor Edward L. Tobin)

**Reports and Informational Items**

Reports and Informational Items (see LTC #168-2011)

**End of Regular Agenda**